

1 Muriel B. Kaplan, Esq. (SBN 124607)
2 Michele R. Stafford, Esq. (SBN 172509)
3 SALTZMAN & JOHNSON LAW CORPORATION
4 44 Montgomery Street, Suite 2110
5 San Francisco, CA 94104
(415) 882-7900
(415) 882-9287 – Facsimile
mkaplan@sjlawcorp.com
mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs

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8 UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS
PENSION TRUST FUND, et al.

11 Plaintiffs,

12 v.

13 N.J. KANN PAINTING, INC., a California
14 corporation,

15 Defendant.

16 Case No.: C12-5542 CW

17 **PLAINTIFFS' REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE; and
[PROPOSED] ORDER THEREON**

18 Date: Wednesday, June 5, 2013

19 Time: 2:00 p.m.

20 Ctrm: 2, 4th Floor
1301 Clay Street
Oakland, CA

21 Judge: The Honorable Claudia Wilken

22 Plaintiffs respectfully request that the Case Management Conference scheduled for June 5,
23 2013, at 2:00 p.m., be continued for approximately sixty (60) days, as follows:

24 1. As the Court's records will reflect, this action was filed on October 29, 2012 to
25 compel Defendant to comply with the terms of its Collective Bargaining Agreement. Service on
26 Defendant was completed on October 30, 2012. A Proof of Service of Summons was filed with
27 the Court on November 6, 2012. [Docket No. 12.]

28 2. Plaintiffs requested a continuance of the Case Management Conference on March
29 26, 2013 because Plaintiffs were contacted by Defendant's counsel, requesting an informal
30 resolution. Plaintiffs extended Defendant's time to file an Answer, to provide Plaintiffs time to
31 work with the fund administrator to confirm the total amount owed by Defendant, some of which
32 went back to 2010. An order granting Plaintiffs' request for continuance was filed on March 28,

1 2013. [Docket No. 18.]

2 3. Plaintiffs have now confirmed total amounts owed by Defendant and have drafted a
3 proposed Stipulation, and forwarded it to Defendant's counsel for review and execution.

4 4. Therefore, Plaintiffs respectfully request that the Case Management Conference be
5 continued for approximately sixty (60) days in order to allow both parties sufficient time to
6 confirm the terms of the settlement and enter judgment.

7 5. There are no issues that need to be addressed by this Court at the currently
8 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
9 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
10 Case Management Conference.

11 6. Plaintiffs recognize that a case management conference statement is due seven days
12 in advance of the case management conference date and that the statement must include all
13 elements requested in the "Standing Order for All Judges of the Northern District of California –
14 Contents of Joint Case Management Statement" pursuant to Local Rule 16-9. Should this Court
15 require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

16 Dated: May 29, 2013

**SALTZMAN & JOHNSON
LAW CORPORATION**

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By: _____ /S/

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Muriel B. Kaplan
Attorneys for Plaintiffs

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21 IT IS SO ORDERED.

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Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
Management Conference is hereby continued to 8/7/2013, and all related deadlines are
extended accordingly.

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Date: 5/30/2013


THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT COURT

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REQUEST TO CONTINUE CMC
Case No.: C12-5542 CW